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By ECF

February 29, 2024

Honorable Sanket J. Bulsara, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East, 304N
Brooklyn, NY 11201

Re: *Biofer S.p.A. v. Vifor (International) AG.*, No. 1:22-cv-02180-AMD-SJB

Dear Judge Bulsara:

In accordance with the procedure outlined in the Letter Request to Italy, Judge Ivana Poggioli of the District Court of Bologna has requested the Court grant the District Court of Bologna an extension of time solely for the taking of Dr. Egidio Marchi's deposition under the Hague Convention in order to accommodate Judge Poggioli's case schedule.

On December 5, 2023, Vifor asked the Court to issue an unopposed Letter of Request for International Judicial Assistance in taking the deposition of Dr. Marchi, which the Court granted on January 8, 2024. (D.I. 110; D.I. 117.) Vifor promptly prepared the Letter of Request, including the preparation of translations of the Letter of Request signed by the Court, as well as collecting an original copy from the Court, and sent it to the Italian Central Authority on January 16, 2024. The Italian Central Authority approved the Letter of Request on January 24, 2024 and forwarded it to the Court of Appeal of Bologna, and informed Vifor's Italian Counsel that they would draw the Court of Appeal's attention to the March 8, 2024 deadline. (Ex. 1 (Italian Ministry of Foreign Affairs Approval); Ex. 2 (Italian Ministry of Foreign Affairs Approval, unofficial English translation).) The Court of Appeal of Bologna granted the Letter of Request on February 6, 2024, and forwarded the Letter of Request to the District Court, who received it on February 8, 2024. (Ex. 3 (Court of Appeal of Bologna Approval); Ex. 4 (Court of Appeal of Bologna Approval, unofficial English translation).)

Despite efforts to meet the March 8, 2024 deadline, the District Court of Bologna informed Vifor that conducting the deposition before the March 8, 2024 close of fact discovery was not feasible. On February 26, 2024, the District Court of Bologna issued a decree for a request of extension of no more than 90 days to accommodate Judge Poggioli's schedule and in light of the arrangements that need to be made for the specific procedures for taking the deposition of Dr. Marchi pursuant to the Letter Request.¹ (Ex. 5 (Decree for Request of Extension); Ex. 6 (Decree for Request of Extension, unofficial English translation).) Thus, Judge Poggioli of the District Court of Bologna

¹ To be clear, Vifor is not asking the Court to extend fact discovery.



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has requested your Honor's permission to conduct Dr. Marchi's deposition within the next 90 days. While the request is for a 90-day extension, the District Court of Bologna is diligently arranging the deposition as soon as Judge Poggioli's agenda and procedural requirements allow and anticipates the deposition will occur in less than the full 90 days. Pursuant to Vifor's Letter of Request, the District Court of Bologna contacted Vifor's counsel instructing them to contact the United States District Court for the Eastern District of New York with the request for an extension of time. (D.I. 117 at 3.)

For the reasons stated above, and on behalf of the District Court of Bologna, Vifor respectfully asks the Court to grant the District Court of Bologna's request for a 90-day extension of time to take Dr. Marchi's deposition.

Respectfully submitted,

/s/ Sanya Sukduang

Sanya Sukduang

cc: All counsel of record via CM/ECF